

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

CrL.MC.No. 3242 of 2006()

CC.744/2005 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM

PETITIONER: ACCUSED:

- 1. S. SIVASANKARA PILLAI,
AGED 64, S/O. PARAMESWARAN PILLAI,
HARISREE, NEDUVATHUR, KOTTARAKKARA.**
- 2. BHANUMATHI AMMA, AGED 56,
W/O. SIVASANKSRA PILLAI, HARISREE,
NEDUVATHUR, KOTTARAKKARA.**
- 3. SREELATHA, AGED 36,
D/O. BHANUMATHI AMMA, HARISREE,
NEDUVATHUR, KOTTARAKKARA.**
- 4. HARICHAND, AGED 44,
S/O. KRISHNAN NAIR, HARISREE,
NEDUVATHUR, KOTTARAKKARA.**

BY ADV. SRI.C.S.MANU

RESPONDENTS: COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
TRIVANDRUM.**
- 2. SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION, KOLLAM.**
- 3. DEEPTHI BALAKRISHNAN,
W/O. BABUKUTTAN PILLAI, MAYOORAM HOUSE,
PATTOOR, VANCHIYOOR, TRIVANDRUM.**
- 4. S. BABUKUTTAN PILLAI, AGED 34 YEARS,
S/O.SIVASANKARA PILLAI, HARISREE,
NEDUVATHUR, KOTTARAKKARA.**

**BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
SRI.V.AJAKUMAR
SRI.ANOOP JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 15/12/2006,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

R.BASANT.J

CrI.M.C. No. 3242 OF 2006

Dated this the 15th day of December 2006

ORDER

Petitioners are accused Nos. 2 to 5 in a prosecution under Section 498 A r/w 34 I.P.C. The fourth respondent herein is the first accused. He is the husband of the third respondent. The petitioners are relatives of the fourth respondent/ first accused. Prosecution was initiated on the basis of a private complaint filed by the third respondent which was referred to the police under Section 156 (3) of the Cr.P.C Cognizance has been taken on the basis of the final report filed by the Police.

2. When this petition came up for hearing finally all concerned including the third respondent wife and the fourth respondent husband submit that all the disputes have been settled. The spouses are living in harmony together now and that the significance and relevance of this prosecution is lost because of the subsequent events. Counsel for the accused Nos. 2 to 5/ Petitioners herein and the counsel for the third and fourth respondents do in these circumstances pray that the matter may be reckoned as settled and compounded . Invoking the powers under Section 482 of the Cr.P.C the proceedings may be quashed, it is prayed.

3. The third respondent wife/complainant has filed an affidavit duly counter-signed by the counsel to confirm to this Court that she has settled the dispute with all the accused. I am satisfied from the submissions made by the learned counsel for the petitioners and the counsel for the respondent 3 & 4 as also from the affidavit filed by the third respondent that the disputes have been settled between the parties and the offence allegedly committed by the accused persons has been compounded by the third respondent/ complainant/ wife.

4. The offence under Section 498 A of the I.P.C is not legally compoundable under Section 320 of the Cr.P.C. But notwithstanding that the offences are not compoundable I am satisfied that the powers under Section 482 of the Cr.P.C can be invoked in the light of the dictum in **B.S.Joshi Vs.State of Haryana (AIR 2003 SCC 1386)**

5. In the result this Crl.M.C. is allowed. C.C. 744/2005 against the petitioners and the fourth respondent pending before the JFCM-I Kollam is hereby quashed.

R.BASANT, JUDGE